

Filed for intro on 02/16/95  
Senate Bill \_\_\_\_\_  
By \_\_\_\_\_

House No. HJR0083  
By McDaniel

A RESOLUTION claiming sovereignty for the state of Tennessee over all powers not granted to the federal government by the United States Constitution and demanding that the federal government cease its mandates to the states that are beyond the scope of its constitutionally-delegated powers.

WHEREAS, the Tenth Amendment to the Constitution of the United States of America reads as follows:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”; and

WHEREAS, the Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States of America and no more; and

WHEREAS, the scope of power defined by the Tenth Amendment means that the federal government was created by the states specifically to be an agent of the States; and

WHEREAS, today, in 1995, the states are treated as agents of the federal government; and

WHEREAS, many mandates are directly in violation of the Tenth Amendment to the Constitution of the United States of America; and

WHEREAS, the United States Supreme Court has ruled in New York v. United States, 112 S. Ct. 2408 (1992), that Congress simply may not commandeer the legislative and regulatory processes of the states; and

WHEREAS, a number of proposals from previous administrations and some now pending from the present administration and from the Congress may further violate the Tenth Amendment to the Constitution of the United States of America; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the state of Tennessee hereby claims sovereignty under the Tenth Amendment to the Constitution of the United States of America over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States of America.

BE IT FURTHER RESOLVED, That this resolution serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, issuing mandates to the states that are beyond the scope of its constitutionally-delegated powers.

BE IT FURTHER RESOLVED, That an appropriate copy of this resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and President of the Senate of each state's legislature of the United States of America, and Tennessee's Congressional delegation.

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